

EXHIBIT 45

(EXHIBIT FILED UNDER SEAL)

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHER DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4
5

6 IN RE: DA VINCI SURGICAL)
ROBOT ANTITRUST LITIGATION)
7

8 THIS DOCUMENT RELATES TO:) Case No.
ALL CASES) 3:21-cv-03825-VC
9

10 SURGICAL INSTRUMENT)
SERVICE COMPANY, INC.,)
11

12 Plaintiff,)
13

14 vs.)
15

16 INTUITIVE SURGICAL, INC.,)
17 Defendant.)
18

19 ** HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY **
20

21 REMOTE VIDEOTAPED DEPOSITION
22 OF
23 30(b)(6) CORPORATE REPRESENTATIVE
24 MARIO LOWE
25 Thursday, November 3, 2022
Sunnyvale, California

Reported by: B. Suzanne Hull, CSR No. 13495

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

9

BY MR. GLUBIAK:

10

Q. You can set that document aside, Mr. Lowe.

11

A. Okay. Okay.

12

Q. Mr. Lowe, are you familiar with the

13

Extended Use Program?

14

A. The Extended Use Program for what?

15

Q. Are you familiar with the Extended Use

16

Program for EndoWrist?

17

A. At a high level.

18

Q. The three instruments we just discussed were

19

a part of the Extended Use Program; is that right?

20

A. Yes.

21

Q. And in 2020, Intuitive extended the lives

22

for other EndoWrists through that program; correct?

23

A. Yes.

24

Q. And those instruments included the large

25

needle driver and the Mega SutureCut Needle Driver;

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED] [REDACTED]

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16 [REDACTED]

17 Q. Are you aware -- scratch that. I'd like --
18 or strike that, rather.

19 I would like to introduce what is a tab
20 which is only on digital form, Mr. Lowe; so you are
21 not going to have a hardcopy of this. I'll pull it
22 up on the platform. This also has been previously
23 marked, and so I won't have a new exhibit number for
24 it. It has been previously marked as Exhibit 82.

25 [REDACTED]

1 [REDACTED]

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1 STATE OF CALIFORNIA)
) ss.

2 COUNTY OF KERN)
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5 I, B. Suzanne Hull, a Certified Shorthand
6 Reporter in the State of California, holding
7 Certificate Number 13495, do hereby certify that
8 MARIO LOWE, the witness named in the foregoing
9 deposition, was by me duly sworn; that said
10 deposition, was taken Thursday, November 3, 2022, at
11 the time and place set forth on the first page
12 hereof.

13 That upon the taking of the deposition, the
14 words of the witness were written down by me in
15 stenotypy and thereafter transcribed by computer
16 under my supervision; that the foregoing is a true
17 and correct transcript of the testimony given by the
18 witness.

19 Pursuant to Federal Rule 30(e), transcript
20 review was requested.

21 I further certify that I am neither counsel
22 for nor in any way related to any party to said
23 action, nor in any way interested in the result or
24 outcome thereof.

25 ///

Page 45

1 Dated this 3rd day of November, 2022, at
2 Bakersfield, California.

A handwritten signature in black ink, appearing to read "Suzanne Hull", is written over the printed name.

3
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 B. Suzanne Hull, CSR No. 13495